



IN THE PATENT AND TM OFFICE

Appn. Number: 09/690,657

Art Unit: 3637

Filing Date: 03/02/01

Applicant: Thompson, Thomas C.

Appn. Title: Hurricane Shutter

Examiner: Dorsey, Dennis

Mailed February 24, 2003

AMENDMENT E

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

In response to the Office Action mailed 11/22/02, I have included in this response the following:

1. Argument against 35 U.S.C. § 112 rejections.
2. Argument against 35 U.S.C. § 102 rejections.
3. Amended claims.
4. Clean copy of amended claims.
5. Certificate of Mailing.
6. Postcard.

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MAR 07 2003

GROUP 3600

Very respectfully,

*Thomas C. Thompson*  
Thomas C. Thompson

**RESPONSE:**

- 1a. **Claims 10-21 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. Claims 10-16 do not set forth clearly defined method steps involved in the method for holding down the device, it is unclear what method applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.** The applicant believes that claims 10-17 define the applicant's method of securing a circular sleeve into a ring drilled into concrete by a coring bit. If parts of claims 11-17 were incorporated into main claim 10, to clearly state the method, then dependent claims 11-17 can narrow down the method. The applicant respectfully requests that the examiner amend claim 10. On the preamble, please change "An improved method for holding down a device to a masonry structure for protection from hurricane forces comprising:" to "A method for holding down a device to an existing masonry structure comprising:". This ensures that the claimed method is for existing or old concrete, not for concrete that is being poured.
- 1b. Claim 10a. stays the same, but claim 10b. incorporates the three main parts of the base web, the circular sides, the flat top, and the open bottom. On claim 10b. please change "said base web having a circular-shape, with the bottom generally open" to "said base web having generally circular sides, a generally flat top, and a generally open bottom". The three main parts of the base web are now defined.
- 1c. Claim 10c must be amended. Please change "said base web having generally thin sides" to "said base web having generally thin sides forming a circular sleeve". The circular sleeve is what is inserted into a ring drilled by a core bit.
- 1d. Claim 10d doesn't really add any information about the method. Please delete claim 10d and insert the following: "said circular sleeve having a radius generally similar to the radius of a known coring drill-bit". This further defines the circular sleeve.
- 1e. Please amend claim 10e by bring up information from claim 13. Please insert the following

into claim 10e: "said circular sleeve having a predetermined area and radius as a means of insertion into a circular ring made by said coring bit into existing masonry".

- 1f. Please amend claim 10f by bringing up information from claim 14. Please insert the following into claim 10f: "said circular sleeve inserted into said circular ring with an adhesive as a means for permanent attachment to said masonry".
- 1g. Claim 10g. is the former claim 10f about the top web. Amended claim 10 now states complete, active, and positive steps on how the use is practiced. Amended claims 11-21 narrow the elements of independent claim 10.
2. **Claim 10 recites the limitation "the bottom" in line 4. There is insufficient antecedent basis for this limitation in the claim.** The applicant has corrected this in paragraph 1b, by amending the claim to "a...bottom".
3. **Regarding claim 10, the phrase "An improved method" should read "A method".** The applicant has amended the preamble in paragraph 1a, as per the examiner's instruction.
4. **Regarding claims 11-16, the preambles should read "The method as claimed in claim 1..."**. The applicant has amended the preamble to claims 11-16 as per the examiner's instruction.
5. **Claim 11 recites the limitation "the circular sleeve" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.** The applicant has corrected this in paragraph 1c, by amending claim 1c to read "...generally thin sides forming a circular sleeve" The applicant respectfully requests that the examiner amend claim 11. Please change "Mounting said circular-shaped base web of claim 10 into the circular sleeve of a pre-drilled circle by a standard concrete coring bit, having radius generally equal to said circular-shaped base web." to "The method as claimed in claim 10 wherein said coring bit leaves a ring-shaped circle in said masonry with a predetermined depth and radius, and

whereby said circular sleeve having a generally similar radius as a means for fitting into said drilled ring of said coring-bit.” This states the fitting of the sleeve into the drilled ring, and narrows the claim.

6. **Regarding claim 12, the phrase “thereby having significantly more surface area in contact with the masonry than standard drilled holes” is indefinite and vague since the scope of a standard drilled hole is unascertainable.** A regular drilled hole has the center drilled out, while a coring-bit leaves the center of the ring of masonry untouched. The surface of a regular hole only has an outside diameter, whereas the ring of a core-drilled circle has an inside and an outside diameter. This gives the core ring almost twice as much surface area. To make this point clear, the applicant respectfully requests that the examiner amend claim 12. Please change claim 12 to the following: “The method as claimed in claim 10 wherein said drilled circle in masonry having an inner and outer diameter, similar to said circular sleeve, and therefore having more surface area in contact with the masonry than a circular sleeve would have in a standard drilled hole which only has an outside diameter.”
7. **Regarding claim 13, the claim is indefinite since the size and scope of the coring bit is unascertainable.** Paragraph 6 above has defined the increased surface area of the core-bit drilled hole compared to a regular drilled hole in amended claim 12. Amended claim 13 will state the base web’s flat top being able to rest on top of the masonry core of the drilled ring. The applicant respectfully requests that the examiner amend claim 13. On line 4, please add the following: “cavity in masonry, whereby said generally flat top of said base web is adjacent to the top of the inner core of said masonry formed by the core-bit.”
8. **Claim 19 recites the limitation “said first mount” in line 2-3. There is insufficient antecedent basis for this limitation.** Amended claim 10g states that the top web has a generally hook-shaped opening. The applicant respectfully requests that the examiner amend line 3 in claim 19. Please change “said first mount” to “said top web”.
9. **Regarding claims 10-21, the applicant is reminded to review the claims for**

**additional 112 problems, as the above list is not exhaustive of all the errors in the claims.** The applicant has reviewed the claims and made corrections on the marked-up copy of the claims and on the clean copy.

10. **A claim, which depends from a dependent claim, should not be separated by any claim, which does not also depend from said dependent claim.** The applicant has renumbered some claims and moved some around to have better flow and follow the examiner's recommended sequence.
  
- 11a. **Claims 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gander, Patent Number 4,351,139.** As best understood by the examiner, Gander '139 teaches all the limitations of the above claims including a circular mount (1), hollow circular sides (3), base web (2), top web with hook-shaped opening (9), and the mount is for mounting to concrete (10). Gander's connecting element is a nice invention, but it is embedded before or during the casting of concrete. Gander's column 2, lines 41-44 state "the parts 9 and 11 are designated as reinforcing parts, because it is a matter of steel parts, to be embedded in concrete, along the lines of reinforcing bars". That means Gander's connecting element is placed along the reinforcing bars prior to pouring or casting the concrete. Also, Gander's column 3, lines 16-21 state "After the casting of the structural member 10, (the concrete in figures 5 and 6) the reinforcing parts 9 and the bodies 1 are embedded into the concrete, in which respect the hook shaped ends of the reinforcing bars 9 and the flanges of the bodies 1 are connected positively to the structural member." Therefore, Gander's connecting element cannot be attached to hardened concrete like the applicant's present invention.
  
- 11b. Even if a hole is drilled in concrete, Gander's hooked end 9 could not fit into a drilled hole. The applicant's amended claims positively claim the method of inserting the invention into existing concrete. Also, Gander's hook is embedded in concrete with a straight pole sticking out, while the applicant's invention has a straight circular sleeve joined to the concrete with a hooked top web sticking out that can be attached to many things. Therefore, the applicant's invention is physically different and the method of

insertion into concrete is completely different. The amended claims distinctly claim these differences, and the present invention and claims meet the 102 rejections.

12. **Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by McKee, Patent Number 1,489,038.** As best understood by the examiner, McKee '038 teaches all the limitations of the above claims including a mount (9), with flat base web, perpendicular top web (10), rotatable means (14) about a center axis, and plurality of holes in the top web (10) for attaching means to a structure (6). McKee's U-shaped roof clip is an interesting invention, but it is bolted to structural members as shown in his figure 2. The applicant's amended claim 17 is now an independent claim, and amended claims 18-21 read off it. McKee's rotatable means is perpendicular to his attachment bolt, while the amended claims state that the applicant's rotatable means is parallel to the attachment sleeve in concrete. Therefore, the applicant's top web is claimed physically different from McKee's U-shaped roof clip.

13. **Conclusion:**

For all the reasons given above, applicant respectfully submits that the amended claims clear 112 rejections, and define over the cited references under Section 102. The claimed distinctions are of patentable merit under Section 103 because of the tremendous results provided for a homeowner to retrofit masonry against earthquake and wind damage. Accordingly, applicant submits that this application is now in full condition for allowance, which action applicant respectfully solicits. If the examiner agrees but does not feel that the present claims are technically adequate, applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).


14. **Certificate of Mailing:**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents

Washington, D.C. 20231

on Feb 29 2003 (date)

  
THOMAS C THOMPSON

Typed or printed name of person signing this certificate:

THOMAS C. THOMPSON

Signature:

Thomas C Thompson

Very Respectfully,

  
Thomas C. Thompson

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